

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Collocation on Certain Towers Constructed)	WT Docket No. 17-79
Without Documentation of Section 106 Review)	

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

To the Commission:

I. INTRODUCTION

NTCA–The Rural Broadband Association (NTCA)¹ hereby submits these comments in response to the Commission’s Public Notice seeking comment on its proposal to exclude “Twilight Towers” from routine historic preservation review.² In these comments, NTCA supports the Commission's goal of promoting the deployment of wireless infrastructure by removing the existing uncertainty governing collocation of wireless antennas on towers whose construction commenced between March 16, 2001, and March 7, 2005 (Twilight Towers).

¹ NTCA represents more than 800 independent, community-based telecommunications companies. All NTCA members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities.

² *Comment Sought on Draft Program Comment for the Federal Communications Commission’s Review of Collocations on Certain Towers Constructed Without Documentation of Section 106 Review*, WT Docket No. 17-79, Public Notice, FCC 17-165 (rel. Dec. 14, 2017) (“*Public Notice*”). See also, *Draft Program Comment for the Federal Communications Commission’s Review of Collocations on Certain Towers Constructed Without Documentation of Section 106 Review* (rel. Dec. 14, 2017) (“*Draft Program Comment*”).

NTCA encourages the Commission to continue to remove barriers to broadband deployment by ensuring that broadband facilities can be deployed without unduly burdensome or costly regulations. At the same time, NTCA also urges the Commission to ensure its rules provide necessary funding to carriers serving areas not currently reached by broadband services and to continue to work with other federal, state and local agencies to identify and streamline unnecessary rules and costs that impede broadband deployment in rural areas.

II. REMOVING THE EXISTING UNCERTAINTY GOVERNING COLLOCATION ON TWILIGHT TOWERS IS A GOOD START

The Commission pointed out in its *Public Notice* that because rules governing environmental review of Twilight Towers were never established clearly, the resulting uncertainty prevented licensees from being able to collocate on those towers.³ Still, the towers were constructed, often without any environmental analysis, and “[i]n the vast majority of cases, no adverse effects from these towers have been brought to [the Commission’s] attention.”⁴ While the Commission proposes to modify its Rules to remove the current uncertainty governing collocating on Twilight Towers, the Commission stated that certain types of collocations will still necessitate a Section 106 review just as they do for collocations on towers whose construction commenced on or before March 16, 2001.⁵ NTCA supports the

³ *Public Notice* at p. 2.

⁴ *Draft Program Comment* at p. 3.

⁵ *Id.* at p. 4.

Commission's proposal to remove the current uncertainty in the Rules governing Twilight Towers and to align the Rules with the Collocation NPA.⁶

In November 2017, the Commission modified its Rules to exclude replacement poles from Section 106 review, regardless of whether a pole is located in a historic district, provided (1) the replacement pole is of substantially the same size as the original pole, (2) is located no more than 10 feet away from the original pole, and (3) has an appearance similar to the original pole.⁷ This is similar to the exclusion from Section 106 review applicable to replacement towers.⁸ NTCA applauds the Commission for taking this initial step toward reducing the challenges carriers face in building out broadband facilities. NTCA encourages the Commission to continue to remove unnecessary rules by removing from Section 106 review non-substantial collocations on existing structures in urban rights-of-way or indoors.

The Commission's proposal to remove the existing barrier to collocations on Twilight Towers is also a good step toward increasing broadband deployment in all areas. However, simply making new tower space available is not enough to make broadband services economically feasible in some rural areas that currently do not have broadband capability.⁹

⁶ *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (Collocation NPA), 47 CFR Part 1, App. B.

⁷ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Report and Order, FCC 17-153 (rel. Nov. 17, 2017). See also Comments of NTCA, WC Docket No. 17-84, p. 14 (June 15, 2017).

⁸ See 47 C.F.R. § 1.1306(b).

⁹ In NTCA's 2016 Broadband/Internet Availability Report, published July 2017, 89% of survey respondents identified the cost of fiber deployment as a significant barrier to widespread deployment of fiber (available at <https://www.ntca.org/sites/default/files/documents/2018-01/2016ntcabroadbandsurveyreport.pdf>).

Rather, to carry out the Commission’s goal in this proceeding of “mak[ing] additional infrastructure available for wireless deployments,”¹⁰ the Commission must ensure that carriers have adequate funding to purchase, install and maintain antennas or other equipment that would be collocated on these towers. Ongoing support from the High-Cost Universal Service Fund (USF) has been, and remains, essential to deploying and maintaining broadband service in rural communities.¹¹

NTCA also urges the Commission to continue working with other federal, state and local agencies to streamline rules and procedures that would delay and compound the cost of deploying broadband through unnecessary rules. For instance, the Commission’s Broadband Deployment Advisory Committee’s Streamlining Federal Siting Working Group could develop “model best practices” that agencies could use as a model for creating standardized, streamlined permitting procedures.¹² As NTCA noted in its Comments in response to the Commission’s Wireless Infrastructure NPRM, the Commission should “provide clear guidance on the circumstances under which a licensee or applicant is obligated to consult with entities, the

¹⁰ *Public Notice* at p. 1.

¹¹ See Statement of Shirley Bloomfield, Chief Executive Officer of NTCA – The Rural Broadband Association before the United States House Committee on Energy and Commerce Subcommittee on Communications and Technology, *Closing the Digital Divide: Broadband Infrastructure Solutions*, January 30, 2018 (“Digital Divide Statement”) (available at https://www.ntca.org/sites/default/files/documents/2018-01/NTCAWrittenTestimony_ECLegHearing_Jan30_2018_Bloomfield.pdf) at p.6 (“While often lost in the shuffle of new initiatives, this program is the primary tool to ensure consumers and businesses in rural America can purchase communications services that are reasonably comparable to what urban Americans receive at rates reasonably comparable to what urban consumers pay.”)

¹² See, e.g., Broadband Deployment Advisory Committee: Streamlining Federal Siting Working Group, Final Report, Jan. 23-24, 2018.

criteria for judging a project, guidelines outlining the circumstances for which fees are due, along with a presumptively reasonable schedule of fees....”¹³ Without such clear guidelines, carriers may still face significant challenges and delays when undergoing government agencies’ permitting process for broadband facilities.¹⁴

III. CONCLUSION

Removing barriers that delay or prevent carriers from deploying broadband services not only helps the residents of the community who need and want such services, but also helps strengthen the overall U.S. economy.¹⁵ The Commission’s proposal to streamline the review of collocations on Twilight Towers removes one of these barriers. Accordingly, NTCA supports this proposal and encourages the Commission to recognize that without strong USF funding, rural carriers will not have the financial ability to deploy or expand broadband services utilizing the Twilight Towers, thus thwarting the purpose of the Commission’s proposal.

¹³ See Comments of NTCA, WC Docket No. 17-84, p. 13 (June 15, 2017).

¹⁴ See Digital Divide Statement (“[I]n South Dakota, a small, rural provider’s multimillion-dollar fiber deployment requiring U.S. Forest Service approval encountered permitting holdups delaying completion more than a year.”) at pp. 3-4.

¹⁵ See, e.g., “The Economic Impact of Rural Broadband,” The Hudson Institute, April 2016 at p. 12 (“Rural broadband providers directly added \$17.2 billion to the U.S. economy, as measured by the GDP [“Gross Domestic Product”], in 2015.”) (available at <https://s3.amazonaws.com/media.hudson.org/files/publications/20160419KuttnerTheEconomicImpactofRuralBroadband.pdf>) (last viewed Feb. 9, 2018, 11:37).

Furthermore, NTCA encourages the Commission to continue to find ways to streamline its rules and to provide guidance to other federal, state and local agencies on model best practices for permitting procedures. These actions, taken as a whole, will allow rural communities to benefit from new or expanded broadband services.

Respectfully submitted,



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